

Docket No.

W/C 367552

Declaration For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A Vertical Vortex or Laminar Flow Interactive BioMedia Water Treatment Device

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____ and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

| | | | |
|---------------|---------------|------------------------|--------------------------|
| _____ on file | _____ on file | _____ 06/13/97 | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | |
| _____ | _____ | _____ | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | |
| _____ | _____ | _____ | <input type="checkbox"/> |
| (Number) | (Country) | (Day/Month/Year Filed) | |

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/040,690

(Application Serial No.)

3/13/97

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, CFR Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

60/040,690

(Application Serial No.)

3/13/97

(Filing Date)

Pending

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|-------------------------------------|--|---------|
| Full name of sole or first inventor | Terry James Cullinan | 3/12/98 |
| Sole or first inventor's signature | <i>Terry James Cullinan</i> | Date |
| Residence | 2201 South 3rd West #8, Missoula, MT 59806 | |
| Citizenship | U.S. Citizen | |
| Post Office Address | P.O. Box 2725, Missoula, MT 59806 | |
| | | |

| | | |
|--------------------------------------|----------------------------------|---------|
| Full name of second inventor, if any | Max Von Weiss | 3/12/98 |
| Second inventor's signature | | Date |
| Residence | 407 Skidoo Bay, Polson, MT 59860 | |
| Citizenship | U.S. Citizen | |
| Post Office Address | N/A | |
| | | |

| | |
|-------------------------------------|------|
| Full name of third inventor, if any | |
| Third inventor's signature | Date |
| Residence | |
| Citizenship | |
| Post Office Address | |
| | |

| | |
|--------------------------------------|------|
| Full name of fourth inventor, if any | |
| Fourth inventor's signature | Date |
| Residence | |
| Citizenship | |
| Post Office Address | |
| | |

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (b)) - INDEPENDENT INVENTOR

Docket No.
W/C 367552

| Serial No. | Filing Date | Patent No. | Issue Date |
|------------|-------------|------------|------------|
| 60/040,690 | 3/13/97 | Pending | |

Applicant/ Terry James Cullinan
Patentee: Max Von Weiss

Invention: A Vertical Vortex or Laminar Flow Interactive BioMedia Water Treatment Device

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled above and described in:

- ☐ the specification to be filed herewith.
☒ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern or organization exists.
☒ Each such person, concern or organization is listed below.

***NOTE:** Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

FULL NAME Terry James Cullinan
 ADDRESS P.O. Box 2725, Missoula, MT 59806
☒ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME Max Von Weiss
 ADDRESS 407 Skidoo Bay, Polson, MT 59860
☒ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME Bio-Septic Systems LLC
 ADDRESS P.O. Box 2725, Missoula, MT 59806
☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization
 (owned by Applicants)

FULL NAME _____
 ADDRESS _____
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR Terry James Cullinan

SIGNATURE OF INVENTOR Terry James Cullinan

DATE: 3/12/98

NAME OF INVENTOR Max Von Weiss

SIGNATURE OF INVENTOR _____

DATE: 3/12/98

NAME OF INVENTOR Bio-Septics Systems LLC

SIGNATURE OF INVENTOR Terry J Cullinan, member

DATE: 3/12/98

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

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SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

NAME OF INVENTOR _____

SIGNATURE OF INVENTOR _____

DATE: _____

1 Timothy D. Geiszler
2 GEISZLER & NEWCOMER, PLLP
3 Terrace West, Suite K
4 Missoula, Montana 59802
5 406/728-4950
6 Attorneys for Plaintiff

John S. Henson

7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 TERRY J. CULLINAN,

Dept. No. DEPT. No. 2
Cause No. 85259/2

9 Plaintiff,

10 vs.

11 MAX WEISS,

12 Defendant.

13 SUMMONS

14 THE STATE OF MONTANA TO THE ABOVE NAMED DEFENDANT:

15 YOU ARE HEREBY SUMMONED to answer the Complaint in this
16 action which is filed in the office of the clerk of this court, a
17 copy of which is now served upon you, and to file your answer and
18 serve a copy thereof upon the Plaintiff's attorney within 20 days
19 after the service of this Summons, exclusive of the day of
service; and in case of your failure to appear or answer,
judgment will be taken against you by default for the relief
demanded in the Complaint.

20 WITNESS my hand and the seal of said court, this 8th day of
21 August, 1997.

22 KATHLEEN D. BREUER, Clerk of Court

23 (Court Seal)

24 By: *J. Carlson*

Deputy

25 7015P2

26
27
28 SUMMONS

09041655-031395

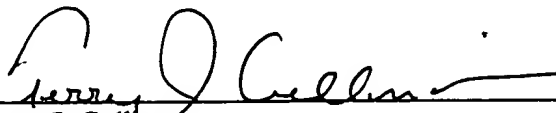
CERTIFICATE OF MAILING

I hereby certify on March 12, 1998, I placed into priority mails with Federal Express, Co., duplicate originals of the following:

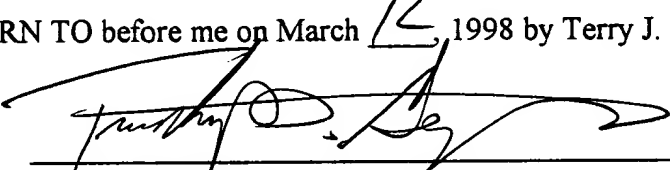
New Utility Patent Application Transmittal
Declaration of Patent Application
Verified Statement Claiming Small Entity Status; and,
Supporting Documents

One original set of those documents with supporting attachment, including this Certificate of Mailing constitute 30 pages.

DATED March 12, 1998.


Terry J. Cullinan

SUBSCRIBED AND SWORN TO before me on March 12, 1998 by Terry J. Cullinan.


Notary Public for the State of Montana
[My commission expires: July 8, 1999]

FedEx USA Airbill

5289109545

001722589 2

FedEx Billing Co

1 From 1031-0567-6
Date 3/12/98 Sender's FedEx Account Number
Sender's Name Timothy D. Geiszler Phone 406 728-4950
Company GEISZLER & NEWCOMER PLLP Dept./Room/Suite/Room
Address 619 SW HIGGINS STE K
City MISSOULA State MT Zip 59803

2 Your Internal Billing Reference Information Cullinan 7015

3 To
Recipient's Name Assistant Commissioner Phone (703) 308-1202
for Patent Application Dept./Room/Suite/Room
Company Patent and Trademark Office
Address 2011 S. Clark, Room 1 B03
(To "HOLD" at FedEx location, print FedEx address here)
City Arlington State VA Zip 22202

For HOLD at FedEx Location check here
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For Saturday Delivery check here
☐ Extra Charge. Not available to all locations.
☐ (Not available with FedEx First Overnight or FedEx Standard Overnight)

4a Express Package Service Packages under 150 lbs.
☒ FedEx Priority Overnight (Next business morning) ☐ FedEx Standard Overnight (Next business afternoon) ☐ FedEx 2Day* (Second business day)
☐ NEW FedEx First Overnight (Earliest next business morning delivery to select locations) (Higher rates apply) *FedEx Letter Rate not available. Minimum charge: One pound FedEx 2Day.

4b Express Freight Service Packages over 150 lbs.
☐ FedEx Overnight Freight (Next business-day service for any distance) ☐ FedEx 2Day Freight (Second business-day service for any distance) ☐ FedEx Express Saver Freight (Up to 3 business-day service based upon distance)
(Call for delivery schedule. See back for detailed descriptions of freight products.)

5 Packaging ☐ FedEx Letter ☐ FedEx Pak ☐ FedEx Box ☐ FedEx Tube ☐ 1
Declared value limit \$500.

6 Special Handling
Does this shipment contain dangerous goods? ☐ Yes ☐ No (As per attached Shipper's Declaration) ☐ Yes ☐ No (Shipper's Declaration)
☐ Dry Ice (Dry ice, 9, UN 1845 III) (Dangerous Goods Shipper's Declaration not required) CA ☐ Cargo Aircraft Only

7 Payment
Bill to: ☒ Sender (Account no. in section 1 will be billed) ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Obtain Recipient's FedEx Account
(Enter FedEx account no. or Credit Card no. below)

FedEx Account No. _____ Exp. Date _____
Credit Card No. _____
Total Packages _____ Total Weight _____ Total Declared Value* \$ _____ Total Charge \$ _____
*When declaring a value higher than \$100 per shipment, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY section for further information.

8 Release Signature
Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

5 2 8 9 1 0 9 5 4 5



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